

Staff Summary Report



Hearing Officer Hearing Date: December 4, 2007

Agenda Item Number: 9

SUBJECT: This is a public hearing for a request by **SOLE SPORTS RUNNING ZONE (PL070490)** located at 1006 East Warner Road, Suite No. 104 for one (1) use permit.

DOCUMENT NAME: 20071204dsac02

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by **SOLE SPORTS RUNNING ZONE (PL070490)** (Kimo Seymour, applicant; Velo Properties LLC, property owner) located at 1006 East Warner Road, Suite No. 104 in the PCC-1, Planned Commercial Center Neighborhood District for:

ZUP07178 Use permit to allow a massage therapy room.

PREPARED BY: Alan Como, Planner II (480-350-8439)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359)

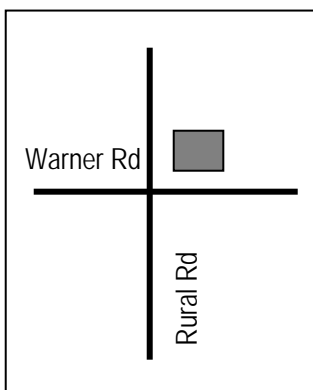
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LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval subject to Conditions 1-9

ADDITIONAL INFO: Sole Sports Running Zone is requesting approval of a use permit to allow sports related massage therapy located at 1006 East Warner Road, Suite No. 104 in the PCC-1, Planned Commercial Center Neighborhood District. Staff is recommending approval of the request with conditions. To date, there has been no public input.



PAGES:

1. List of Attachments
2. Comments, Reason for Approval
3. Conditions of Approval, History & Facts/Description, Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
3. Letter of Intent
4. Site plan
5. Staff Photograph(s)

COMMENTS:

Sole Sports Running Zone is requesting approval of a use permit to allow sports related massage therapy. Sole Sports Running Zone is an existing business of approximately 3,964 sq ft that is requesting permission to provide sports related massage service. The massage therapy activity will take up approximately 102 sq ft. Massage therapy will be by appointment only and will be limited to store hours which are 10:00am to 8:00pm Monday through Saturday, 10:00am to 6:00pm Sunday.

Use Permit

The Zoning and Development Code requires a massage therapy use to obtain a use permit in the PCC-1, Planned Commercial Center Comprehensive District. This use permit request meets all applicable tests in the following manner:

Evaluating the use permit, the proposal appears to pass the use permit test listed below:

1. Any significant increase in vehicular or pedestrian traffic in adjacent areas;
 - There will be no significant increase in vehicular or pedestrian traffic in adjacent areas.
2. Nuisance arising from the emission of odor, dust, gas, noise, vibration, smoke, heat, or glare at a level exceeding that of ambient conditions;
 - This is an athletic apparel and equipment store; there should be minimal nuisances within this commercially zoned area.
3. Contribution to the deterioration of the neighborhood or to the downgrading of property values which is in conflict with the goals, objectives or policies for rehabilitation, redevelopment or conservation as set forth in the City's adopted plans, or General Plan;
 - The proposed development would not contribute to neighborhood deterioration or downgrade property values. This use permit request is consistent with the General Plan 2030's Land Use Element. The requested use permit will not be detrimental to the surrounding area, but will further the General Plan Land Use Element Goals and Strategies.
4. Compatibility with existing surrounding structures and uses;
 - The proposed use appears to be compatible with surrounding uses.

Conclusion

Staff recommends approval of the use permit.

REASON(S) FOR APPROVAL:

1. Traffic generated by this use should not be excessive.
2. There will be no apparent damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
3. The use appears to be compatible with the building, site and adjacent properties

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

**CONDITION(S)
OF APPROVAL:**

1. All permits and clearances required by the Building Safety Division shall be obtained prior to the use permit becoming effective.
2. The use permit is transferable. Should the business be sold, the new owners must reprocess for administrative review.
3. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer/Board of Adjustment.
4. Any expansion or intensification of use shall require a new use permit to be approved.
5. If there are any complaints arising from the use permit that are verified by a consensus of the complaining party and the City Attorney's office, the use permit will be reviewed by city staff to determine the need for a public hearing set to re-evaluate the appropriateness of the use permit.
6. All required State, County and Municipal permits shall be obtained or the use permit is void.
7. All required permits and clearances shall be obtained from the Audit and Licensing Division of the City of Tempe prior to the use permit becoming effective.
8. All business signs shall be approved through Development Review, and permits obtained.
9. Massage therapy shall be limited to store hours of operation, as posted on site.

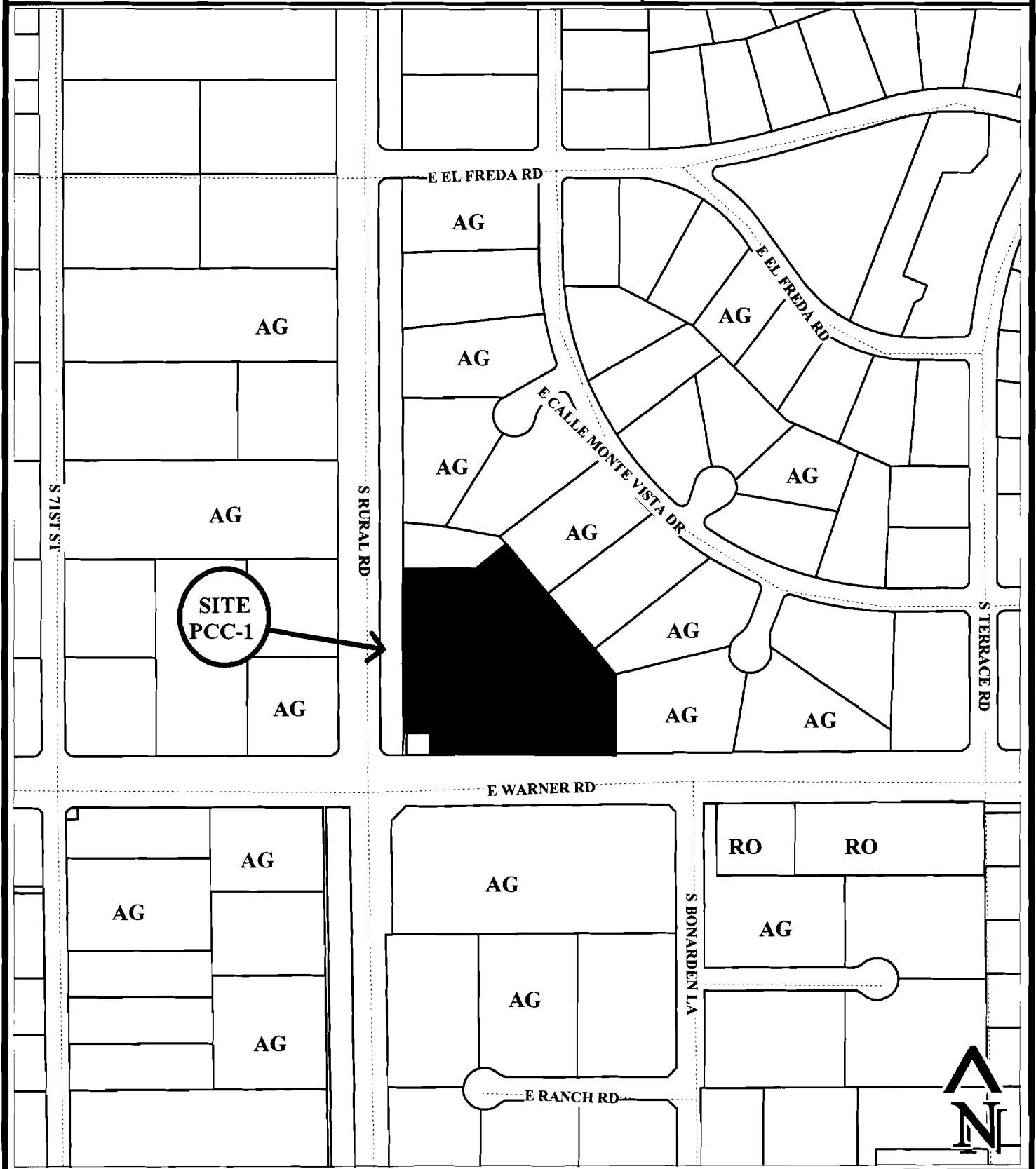
HISTORY & FACTS: None pertinent to this case.

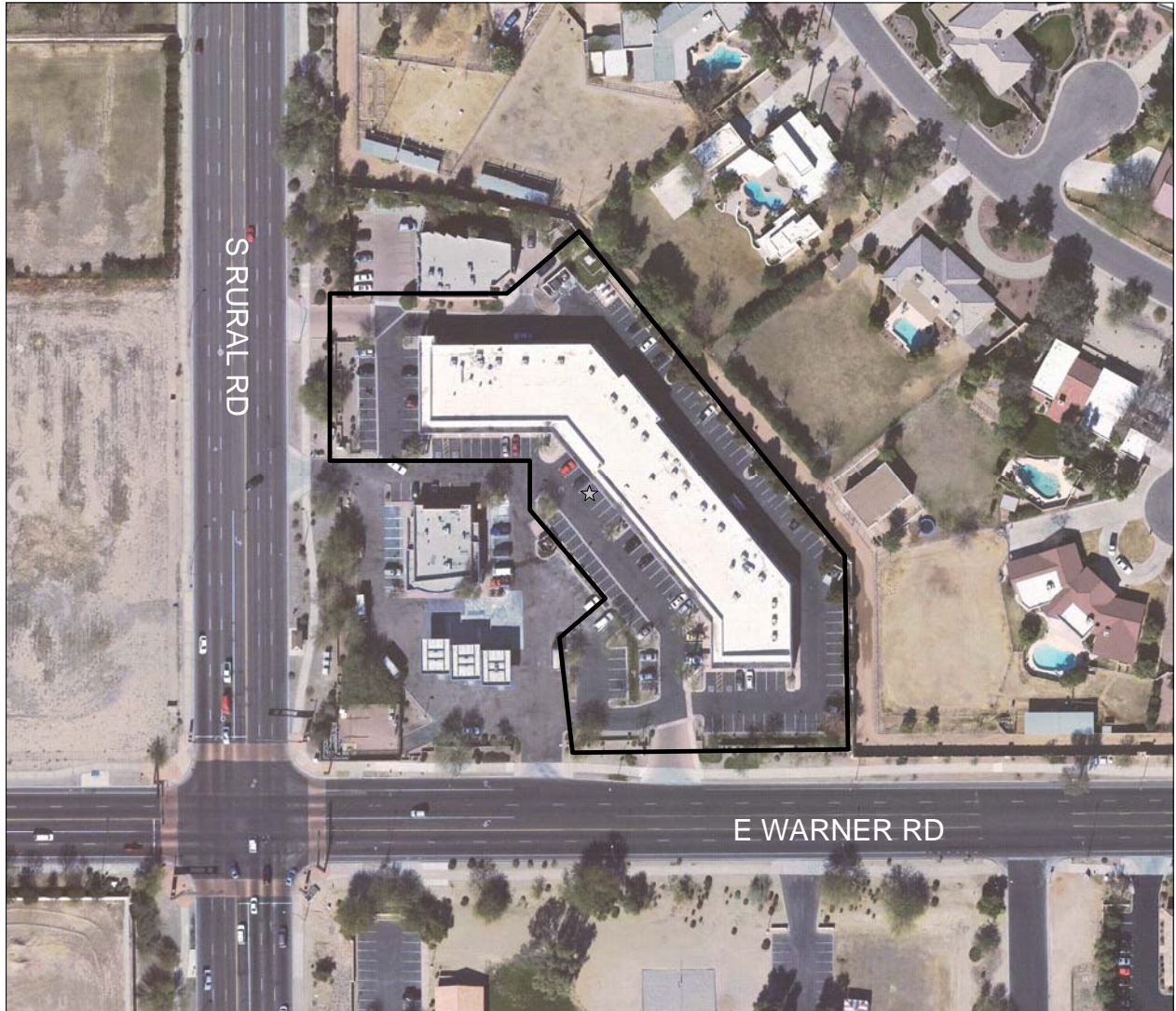
DESCRIPTION: Owner – Velo Properties LLC
Applicant – Kimo Seymour
Existing Zoning – PCC-1, Planned Commercial Center Neighborhood District
Suite Sq Ft. – 3,964
Lot Size (Sq Ft) – 49, 167

**ZONING AND
DEVELOPMENT**

CODE REFERENCE: Part 3, Chapter 3, Section 3-202
Permitted Uses in Commercial and Mixed-Use Districts

Part 6, Chapter 3, Section 6-308
Use Permit.

SOLE SPORTS RUNNING ZONE
PL070490




SOLE SPORTS RUNNING ZONE (PL070490)



Letter of Explanation

To Whom It May Concern:

Please find the below Letter of Explanation with regards to the "Use Permit" application for Sole Sports Running Zone.

Sole Sports is a multi-sport athletic equipment retail store offering running shoes, athletic apparel and running programs to the community. It is the intent of Sole Sport to provide customers with a unique buying experience with superior customer service, and high quality products, along with a location for the active community to socialize and train.

Use Permit:

The "Use Permit" will be necessary to provide customers with the opportunity to receive sports massage onsite.

Sole Sports:

- **Operation** – Sole Sports Running Zone began operations in August 2007 and is a specialty running shoe store.
- **Location** –
 - 1006 E Warner Rd
 - Suite 104
 - Tempe, AZ 85284
- **Hours** –
 - Sunday – 10am til 6pm
 - Monday – 10am til 8pm
 - Tuesday – 10am til 8pm
 - Wednesday – 10am til 8pm
 - Thursday – 10am til 8pm
 - Friday – 10am til 8pm
 - Saturday – 10am til 8pm
- **Employees** – 10
- **Customers** – runners, walkers, tri-athletes, anyone interested in receiving expert shoe fitting advice!

Justification & Intent

- By offering sports massage onsite, Sole Sports Running Zone will be limited to the number of customers per day that can receive massage to approximately 8, thus pedestrian and vehicular traffic will not impact adjacent areas.
- Sports Massage will be offered in a private, sanitary environment that will not cause any nuisance to any adjacent offices or suites.
- It is the intent of Sole Sports Running Zone to provide sports massage that is compliant with all Local, City, and State policies and objectives, helping to contribute to the athletic success of the local community.
- Sports massage provided by Sole Sports Running Zone will be compatible with existing surrounding structures and not result in any disruptive behavior that will create a nuisance to the surrounding area or general public.





SOLE SPORTS RUNNING ZONE

1006 E WARNER RD

PL070490

FRONT OF BUSINESS